

THURSDAY, APRIL 7, 1983

TWENTY-FIFTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Jean Richardson, Beaver Creek Presbyterian Church, Knoxville, Tennessee.

Representative Owen led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 93

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

The Speaker announced that Representative Jared was excused because of a court case.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1231; and House Joint Resolution No. 128 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

206--To regulate certain products subject to abuse.

The Senate refused to recede from its action in adopting Senate Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 233, 234, 275, 320, 540, 737, 838, 1239 and 1248; also, House Joint Resolutions Nos. 113, 115, 116, 117 and 118; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 233, 234, 275, 320, 540, 737, 838, 1239 and 1248; and House Joint Resolutions Nos. 113, 115, 116, 117 and 118; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1231; and House Joint Resolution No. 128 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

206--To regulate certain products subject to abuse.

The Senate refused to recede from its action in adopting Senate Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 233, 234, 275, 320, 540, 737, 838, 1239 and 1248; also, House Joint Resolutions Nos. 113, 115, 116, 117 and 118; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 233, 234, 275, 320, 540, 737, 838, 1239 and 1248; and House Joint Resolutions Nos. 113, 115, 116, 117 and 118; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Resolution No.:

125--Relative to honoring Dale Ellis; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

453--To enact Financial Integrity Act of 1983;

693--To enact the Computer Crimes Act;

1165--To make certain provisions, billboard control; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

114--To amend Shelby County Restructure Act;

223--To regulate retirement systems, Shelby County;

746--To transfer governance, certain vocational-technical schools;

804--To regulate exemptions, sales and use tax;

1129--To regulate certain retirement classifications; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

120--Relative to congratulating Melissa Hart;

121--Relative to honoring James Clarence Summers;

122--Relative to memory, Wadie Joseph Harb;

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

123--Relative to congratulating Rule High School boys' basketball team;

124--Relative to congratulating Rule High Scholl boys' basketball team;

126--Relative to congratulating Volunteer Basketball team;

127--Relative to commending St. Joseph Elementary basketball team; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

263--To amend Section 67-4306, Code;

604--To amend Time-Share Act;

652--To regulate taxes on farm and nursery products; all substituted for Senate Bills on same subject, all amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

843--To amend Section 2-13-203, Code; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 21, 453, 693 and 1165; and House Joint Resolution No. 125; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 117, 119, 152, 450, 457, 622 and 640; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 21, 453, 693 and 1165; House Joint Resolution No. 125; and Senate Bills Nos. 117, 119, 152, 450, 457, 622 and 640.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1244--To amend road law, Carroll County;

1245--To enact litigation tax, Carroll County;

1246--To create office of purchasing agent, Henderson County;

1247--To amend road law, Lake County;

1249--To amend budgeting law, Henderson County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

The Speaker announced that House Bill No. 668 would be placed on the Calendar for Monday, April 11, 1983.

House Bill No. 363--To change taxes, intoxicating liquors.

On motion, House Bill No. 363 was made to conform with Senate Bill No. 442.

On motion, Senate Bill No. 442, on same subject, was substituted for House Bill No. 363.

Mr. Sir moved that Senate Bill No. 442 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	74
Noes	15
Present and not voting	7

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Drew, Duer, Ellis, Ford, Frenley, Gafford, Gaia, Gill, Hassell, Hudson, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Work, Yelton and Mr. Speaker McWherter--74.

Representatives voting no were: Atchley, Dills, Elsea, Harrill, Henry, Herndon, Hillis, Hurley, Huskey, McAfee, McNally, Percy, Robertson, Schockley and Wood--15.

Representatives present and not voting were: Anderson, Clark (Sumner), Nance, Stafford, Turner, Wix and Wolfe--7.

A motion to reconsider was tabled.

House Bill No. 342--To set compensation, certain utility district commissioners.

On motion, House Bill No. 342 was made to conform with Senate Bill No. 396.

On motion, Senate Bill No. 396, on same subject, was substituted for House Bill No. 342.

Mr. Gafford moved that Senate Bill No. 396 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 396 by deleting the language "fifteen thousand (15,000) nor more than fifteen thousand five hundred (15,500)," from the amendatory language of Section 1 and by substituting instead the language "fifteen thousand nine hundred (15,900) nor more than sixteen thousand (16,000)."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 396, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell,

Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 564--To amend Chapter 19, Title 48, Code.

On motion, House Bill No. 564 was made to conform with Senate Bill No. 197.

On motion, Senate Bill No. 197, on same subject, was substituted for House Bill No. 564.

Mr. Starnes moved that Senate Bill No. 197 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --94.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 563--To amend Section 49-50-102, Code.

On motion, House Bill No. 563 was made to conform with Senate Bill No. 729.

On motion, Senate Bill No. 729, on same subject, was substituted for House Bill No. 563.

Mr. Starnes moved that Senate Bill No. 729 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 956--To amend Section 49-208, Code.

Mr. Starnes moved that House Bill No. 956 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	3
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--88.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Representatives voting no were: Buck, Crain and Rhinehart--3.

Representatives present and not voting were: Brewer and Stafford--2.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

SPONSOR ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 562--Miller

House Bill No. 562--To enact Cancer Reporting System Act, 1983.

On motion, House Bill No. 562 was made to conform with Senate Bill No. 733.

On motion, Senate Bill No. 733, on same subject, was substituted for House Bill No. 562.

Mr. Starnes moved that Senate Bill No. 733 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nafteh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Representative present and voting was: Bragg--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 800--To change name, Tennessee Council of Juvenile Court Judges.

Ms. Hassell moved that House Bill No. 800 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 803--To set duties, court offices.

Ms. Hassell moved that House Bill No. 803 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 93--To allow sale of alcoholic beverages, certain bowling centers.

Mr. Murphy moved that House Bill No. 93 be passed on third and final consideration.

Mr. Clark (Davidson) moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 93 by deleting Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following to the end of subsection (h):

"Restaurant" shall also mean any bowling center that was licensed as of January 1, 1983, to sell alcoholic beverages for consumption on the premises.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 93, as amended, passed its third and final consideration by the following vote:

Ayes	62
Noes	30
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dixon, Drew, Ellis, Elsea, Frensley, Gaia, Gill, Herndon, Hillis, Hudson, Johnson, Jones, Kelley, Kernell, King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sir, Smith, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Work and Yelton--62.

Representatives voting no were: Anderson, Atchley, Byrd, Crain, Davis (Pickett), Dills, Disspayne, Duer, Ford, Gafford, Harrill, Hassell, Henry, Hurley, Huskey, Kent, McAfee, Nance, Percy, Robertson, Scruggs, Severance, Shirley, Shockley, Stafford, Stallings, Turner, Wix, Wolfe and Wood--30.

Representatives present and not voting were: Bragg, Buck and Copeland--3.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 945--To provide for disposal, hazardous wastes.

Mr. Johnson moved that House Bill No. 945 be passed on third and final consideration.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 945 by deleting Sections 1 through 15 in their entirety and by substituting instead the following:

SECTION 1. In order to protect the public health, safety and welfare, and to provide a coordinated statewide hazardous substance management program, it is declared to be the policy of the state of Tennessee to:

(1) provide a procedure for establishing appropriate sites for the treatment, storage and disposal of hazardous wastes;

(2) provide funding for the operation of certain hazardous substance management programs by the state of Tennessee;

(3) emphasize alternatives to land disposal of hazardous wastes, as is practicable;

(4) provide for remedial action at certain inactive hazardous substance sites within the state; and

(5) develop a comprehensive plan for hazardous substance site containment and cleanup and to develop criteria for establishment of commercial facilities which qualify local governments to receive funds from the responsible waste disposal incentive fund.

SECTION 2.

(a) "Commercial Facility" means any hazardous waste management facility that stores, treats, or disposes of hazardous waste of which more than twenty-five percent (25%) was generated off-site.

(b) "Liable Party" means:

(1) The owner or operator of an inactive hazardous substance site;

(2) Any person who at the time of disposal was the owner or operator of an inactive hazardous substance site;

(3) Any generator of hazardous substance who at the time of disposal caused such substance to be disposed of at an inactive hazardous substance site; or

(4) Any transporter of hazardous substance which is disposed of at an inactive hazardous substance site who, at the time of disposal, selected the site of disposal of such substance.

(c) "Hazardous Substance" shall be defined as such term is defined in Section 101 of Public Law 96-510.

(d) "Hazardous Substance site" means any site or area where hazardous substance disposal has occurred.

(e) All other terms used in this act shall be defined as such terms are defined in Tennessee Code Annotated, Section 53-6304.

SECTION 3.

(a) For fiscal year 1983-1984 there is levied a remedial action fee on the generation and management of hazardous waste in a sum sufficient to produce total revenue of one million dollars (\$1,000,000). The board shall promulgate a fee structure sufficient to produce such revenue, and revenue required in subsequent years by Section 3(e) in accordance with the following:

(1) The maximum amount of the remedial action fee for generators shall not exceed seven thousand five hundred dollars (\$7,500), and the minimum amount of such fee shall not be less than three hundred dollars (\$300). Such fees shall be set by the board upon a scale based on size classification of the generator.

(2) In addition to the above fee, there shall be collected from those generators who ship hazardous waste off-site for treatment or disposal a fee for each ton so shipped which shall not exceed seven dollars (\$7) nor be less than two dollars (\$2) for each ton so shipped.

(3) The remedial action fee collected from any permitted transporter shall not be less than one hundred dollars (\$100) nor more than two hundred seventy-five dollars (\$275).

(b) No fees shall be assessed or payable on any hazardous waste which is received by any publicly owned treatment works or any wastewater treatment plant permitted pursuant to Section 402 of the Clean Water Act as amended (PL 92-500) or the Tennessee Water Quality Control Act (Tennessee Code Annotated, Section 70-324 et seq.).

No fees shall be assessed or payable on:

(1) sludge from publicly owned treatment works located in the state, as defined in rules adopted by the board;

(2) bottom boiler ash and flyash from incinerators which process solely municipal waste, as defined in rules adopted by the board;

(3) hazardous wastes beneficially used or reused or legitimately recycled or reclaimed, as authorized by board regulation; or

(4) any waste material exempted from regulation pursuant to Tennessee Department of Public Health Rule 1200-1-11-.02(1) (d) (3).

(c) The Board shall adopt rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, governing the collection of such fees, and the records to be maintained in accordance with the provisions of this act.

(d) Such fees shall be paid annually on or before September 1 for fiscal year 1983-1984 and on or before July 1 of each year thereafter to the department of revenue and deposited to the credit of the Hazardous Waste Remedial Action Fund created in Section 4 of this act.

(e) For fiscal years subsequent to 1983-1984, the board shall, by regulation, adjust such fees annually to a level necessary to maintain a minimum unobligated balance of three million dollars (\$3,000,000) and a maximum unobligated balance of five million dollars (\$5,000,000) in the Hazardous Waste Remedial Action Fund, provided, however, that the fees established pursuant to Section 3(a) and this subsection shall be set at a level estimated to not exceed one million dollars (\$1,000,000) in any fiscal year. Provided, further, that the minimum fees established in Section 3(a) shall not apply if such adjustment results in a fee structure which levies fees which are less than such minimum fees. The board shall promulgate such regulation on or before December 1 of each year.

(f) There is appropriated to the Hazardous Waste Remedial Action Fund the sum of one million dollars (\$1,000,000) for fiscal year 1983-1984 and for fiscal years thereafter, there is appropriated a sum sufficient to match on a dollar for dollar basis the fees levied pursuant to subsection (e) of this section; provided however, that the state may appropriate funds in excess of the dollar for dollar match. Failure to authorize such appropriation in any given year shall waive the authority of the board to levy fees for such year.

SECTION 4.

(a) There is hereby established within the general fund a special agency account to be known as the "Hazardous Remedial Action Fund", hereinafter referred to as the "fund".

(b) Any unencumbered funds and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this act.

(c) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

(d) All fees, civil penalties and fines collected pursuant to this act and all fines and civil penalties collected pursuant to Tennessee Code Annotated, Title 53, Chapter 63, shall be deposited in the fund; provided, however, that no fees collected pursuant to Tennessee Code Annotated, Section 53-6310, shall be deposited in the fund.

(e) All funds received by the state pursuant to Section 3012 of the Resource Conservation and Recovery Act as amended, shall be deposited in the fund. Such funds shall not be construed to constitute the required dollar for dollar match by the state pursuant to Section 3(f).

SECTION 5.

(a) The fund shall be available to the board and the commissioner for expenditures solely for the purpose of providing for the investigation, identification and for the reasonable and safe containment and cleanup, including monitoring and maintenance, of inactive hazardous substance sites within the state as provided in this act.

(b) The commissioner may enter into such contracts and use the fund for those purposes directly associated with identification, investigation, containment and cleanup,

including monitoring and maintenance, prescribed above including:

- (1) hiring of consultants and personnel;
- (2) purchase, lease or rental of necessary equipment; and/or
- (3) other necessary expenses.

Provided, however, that such fund shall not be used for hiring personnel for continuing programs of the department of public health pursuant to Tennessee Code Annotated, Title 53, Chapter 63, or for any ongoing or long term research activities.

(c) Such fund may also be used for matching the funds of any federal agency, pursuant to Section 104 (c) of Public Law 96-510, to enable the state to receive federal funds to clean up hazardous substance sites, or providing for state financed cleanup.

SECTION 6.

(a) The commissioner is authorized to issue an order to any liable party requiring such party to investigate, identify, contain, and cleanup, including monitoring and maintenance, inactive hazardous substance sites which pose or may pose a danger to public health, safety or the environment because of the release or threatened release of hazardous substances. Any person failing, neglecting, or refusing to comply with any final order shall be subject to the penalties provided in Section 7 and 13.

(b) In the event that any identified liable party or parties are unable or unwilling to provide for the investigation, identification, or for the reasonable and safe containment and cleanup, including monitoring and maintenance, pursuant to an order issued under this section, or no such liable party can reasonably be identified by the commissioner, the commissioner may provide for such actions.

(c) If at any time, the commissioner, after investigation, finds that an inactive hazardous waste substance site constitutes an imminent, substantial danger to the public health, safety or environment, the commissioner may undertake such actions as are necessary to abate the imminent and substantial danger. Such actions may be taken whether or not the site has been listed pursuant to Section 6 (e).

(d) In selecting investigation, identification, containment and cleanup actions, including monitoring and

maintenance, under this section, the commissioner shall evaluate reasonable alternatives and select those actions which he determines are necessary to protect public health, safety, and the environment. The goal of any such action shall be cleanup and containment of the site through the elimination of the threat to the public health, safety, and the environment posed by the hazardous substance. In choosing the necessary actions at each site, the commissioner shall consider the following factors:

- (1) the technological feasibility of each alternative;
- (2) the cost-effectiveness of each alternative;
- (3) the nature of the danger to the public health, safety, and the environment posed by the hazardous substance at the site; and
- (4) the extent to which each alternative would achieve the goal of this subsection.

To the extent practicable, any such investigation, identification, containment and cleanup, including monitoring and maintenance, shall be consistent with the national contingency plan promulgated pursuant to Section 105 of Public Law 96-510.

(e) The commissioner shall propose, and the board shall promulgate, after opportunity for public comment, a list of those inactive hazardous substance sites within the state that are eligible for investigation, identification, containment and cleanup, including monitoring and maintenance, and that pose or may reasonably be anticipated to pose a danger to public health, safety and environment. Such list shall be revised or repromulgated at least annually by the board.

SECTION 7.

(a) Liable parties shall be liable to the state for costs of investigation, identification, containment and cleanup, including monitoring and maintenance, as provided herein.

(b) Making use of any and all appropriate existing state legal remedies, the attorney general shall act to recover the amount expended by the state pursuant to Section 6 from any and all identified liable parties for each site investigated, identified, contained or cleaned up, including monitoring and maintenance. In any action under this act or any other law, no liable party shall be liable for more than that party's apportioned share of the amount expended from

the fund for such site. Such apportioned share shall be based solely on a liable party's portion of the total volume of the hazardous substance at the hazardous substance site at the time of action taken under this act. Any expenditures required by the provisions of this act made by a liable party (before or after suit) shall be credited toward any such apportioned share.

In no event shall the total monies recovered from the liable party or parties exceed the total expenditure from the fund for such site, except that the Attorney General may recover punitive damages as provided in subsection (c) of this section.

Any party found liable for any costs or expenditures recoverable under this act who establishes by a preponderance of the evidence that only a portion of such costs or expenditures are attributable to his or her actions, shall be required to pay only for such portion.

If the trier of fact finds the evidence insufficient to establish each party's portion of costs or expenditures, the court shall apportion such costs or expenditures, to the extent practicable, according to equitable principles, among the defendants.

The fund shall pay any portion of the total expenditure in excess of the aggregate amount of costs or expenditures apportioned pursuant to this section. All monies recovered from liable parties pursuant to this section shall be deposited in the hazardous waste remedial action fund.

(c) Any liable party who fails without sufficient cause to properly provide for removal of hazardous substances or remedial action upon order of the commissioner pursuant to this act may be liable to the state for punitive damages in an amount equal to one hundred fifty percent (150%) of the amount of any costs incurred by the fund as a result of such failure to take proper action. The Attorney General shall recover the punitive damages in an action commenced under subsection (b) of this section or in a separate civil action, and such punitive damages shall be in addition to any costs recovered from such liable party pursuant to this act. Any punitive damages awarded pursuant to this subsection shall be deposited in the fund.

(d) No person shall be liable under this act for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice at the direction of an onscene coordinator appointed by the commissioner, with respect to an incident creating a danger to public health or welfare or the environment as a result

of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceeding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the federal government and the state government shall be subject to, and comply with, this act in the same manner and to the same extent, both procedurally and substantively, as any non-governmental entity, including liability under this section.

(f) No person, including the state, may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

SECTION 8.

(a) The county executive and four (4) members of the county legislative body appointed by the county executive of the county in which any commercial facility is located may accompany the department upon any site investigation or monitoring inspection.

(b) The county legislative body of the county in which any commercial facility is located may by a majority vote of the members to which it is entitled require that independent monitoring tests be conducted. Such tests shall be conducted by a laboratory which is certified to conduct tests for safe drinking water by the Tennessee Department of Public Health or the Federal Environmental Protection Agency under the authority of the Safe Drinking Water Act. All such tests shall be paid for by such county.

SECTION 9.

(a) Within one (1) year after the completion of a project to contain or clean up the hazardous substance at a particular site under this act, the commissioner shall itemize the money so expended and shall file a statement thereof in the office of the register of deeds of the county in which the property lies, together with notarized appraisals by an independent appraiser of the value of the property before and after the cleanup work performed at the site, if the money so expended shall result in a significant increase in property values. Such statement shall constitute a lien upon such land. The lien shall not exceed the amount determined by the appraisal to be the increase in

the market value of the property as a result of the cleanup work.

(b) If the property owner is aggrieved by the amount of the lien filed under subsection (a), the property owner may cause another appraisal to be performed by an independent appraiser and may submit the matter to the Davidson County Chancery Court to determine the appropriate amount of the lien. A decision of that court may be appealed according to the Tennessee Rules of Appellate Procedure.

(c) The lien provided in this section shall be entered in the records of the register of deeds of the county in which the property lies. Such statements shall constitute a lien upon such property as of the date of the expenditure of the money, and shall have priority as a lien second only to tax liens. Such a lien shall be satisfied to the extent of the value of the consideration received at the time of transfer of ownership, and if the lien is not fully satisfied at the time of transfer, it shall remain a lien on the property until it is fully satisfied.

SECTION 10.

(a) There is created a special agency account in the general fund to be known as the "Responsible Waste Disposal Incentive Fund".

(b) There is appropriated to the Responsible Waste Disposal Incentive Fund the sum of five hundred thousand dollars (\$500,000) for fiscal year 1983-1984 and there shall be appropriated the sum of one million five hundred thousand dollars (\$1,500,000) for fiscal year 1984-1985.

(c) Interest accruing on investments and deposits of such fund shall be returned to it and remain a part of such fund.

(d) Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this section.

(e) The board shall promulgate rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, to establish eligibility requirements for a local government to receive the money deposited in the Responsible Waste Disposal Incentive Fund. At a minimum, for a local government to be eligible to receive such funds, the commercial facility must be located within the jurisdiction of such local government, such

facility must have a permit to operate pursuant to the provisions of Tennessee Code Annotated, Section 53-6308, such facility must be constructed and operational and the following standards must be met:

(1) the facility is multi-purpose with both land disposal capability and facilities for advanced technology, high-temperature thermal treatment;

(2) the facility has a minimum design capacity to operate for twenty (20) years;

(3) the facility is operated pursuant to the provisions of Tennessee Code Annotated, Title 53, Chapter 63; and

(4) the local government with jurisdiction over the facility does not have any zoning requirement, subdivision regulation, ordinance, regulation or other provision of law which is more stringent than state law regarding the location and operation of the facility.

The board shall distribute the money in the Responsible Waste Disposal Incentive Fund to the first local government which applies for such fund and which meets the requirements of this section and regulations promulgated pursuant thereto. If the facility is located in the jurisdiction of more than one (1) local government, the money shall be apportioned between the eligible governments. At the time of distribution of such funds, the Responsible Waste Disposal Fund shall cease to exist and no further appropriations pursuant to subsection (b) shall be made.

SECTION 11.

(a) Any local government which has received the funds deposited in the Responsible Waste Disposal Incentive Fund pursuant to Section 10 may levy an additional fee on the disposal of hazardous wastes disposed of at the facility within its jurisdiction not to exceed the following:

(1) five dollars (\$5) per ton on the land disposal of hazardous wastes; and

(2) two dollars and fifty cents (\$2.50) per ton on the treatment of such wastes.

(b) In addition to such local government fees, the board shall levy a state hazardous waste management fee on such commercial facility in a sum sufficient to replace the fees levied and appropriations made pursuant to Section 3. Such fees shall be structured to encourage the treatment, reduction and reclamation of hazardous wastes. At such time

as such state fees are levied, all fees levied pursuant to Section 3 shall be rescinded and the obligation to pay such fees shall cease to exist.

(c) All fees levied pursuant to this section shall be paid quarterly by the owner or operator of the commercial facility to the department of revenue. Such department shall remit the local government fee to the county in which such facility is located and shall deposit the state fee in the fund. The board shall adopt rules and regulations in accordance with Tennessee Code Annotated, Title 4, Chapter 5, governing the collection of such fees and the records required to be maintained by such facility.

SECTION 12.

(a) On June 30 of every year, the commissioner shall submit to the speakers of both houses of the general assembly and to the state library and archives a report documenting the expenditure of all funds expended from the hazardous waste remedial action fund during the preceding twelve (12) months.

(b) The department shall conduct a public hearing in each grand division of the state annually to receive comments from the public regarding expenditures from the hazardous waste remedial action fund.

(c) The department shall maintain a toll-free number which may be utilized by citizens living anywhere in the state to report to the commissioner any problems caused by hazardous substances.

(d) The commissioner shall notify the register of deeds in each county in which property has been subject to containment and cleanup pursuant to the provisions of this act. The register shall make a permanent notation on the deed to such property that the containment or cleanup of hazardous substances occurred on such property and the date of the notice from the department.

SECTION 13. Any person who fails to pay the fees authorized by this act; who fails to file any reports, records or documents required pursuant to this act; or who knowingly gives or causes to be given any false information in any reports, records, or documents required pursuant to this act shall be subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment of up to eleven (11) months and twenty-nine (29) days, or both. In addition, such person shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) and, if appropriate, the original fee plus interest. Each day such violation continues shall constitute a separate offense.

SECTION 14. The exclusive jurisdiction for all legal proceedings under this act shall be in the chancery court and the venue shall be in Davidson County.

SECTION 15.

(a) The commissioner shall exercise general supervision over the administration and enforcement of this act.

(b) The commissioner is authorized in addition to other enumerated powers in Tennessee Code Annotated, Title 53, Chapters 43 and 63 to investigate, identify, and provide for reasonable and safe containment and cleanup, including monitoring and maintenance, of inactive hazardous substance sites.

(c) If any provision of this act is not being carried out, or if effective measures are not being taken to comply with provisions of this act, the commissioner may issue an order for correction to the appropriate person, and this order shall be complied with within the time limit specified in the order. Such order shall be made by personal service or shall be sent by registered mail.

(d) Any person against whom an order is issued may secure a review in accordance with Tennessee Code Annotated, Section 53-6313 and Section 4-5-301 et seq.,. Any person failing, neglecting, or refusing to comply with any order of the commissioner or the board shall be subject to the civil and criminal penalties provided in Section 13.

(e) The board is empowered in addition to any other enumerated powers in Tennessee Code Annotated, Title 53, Chapters 43 and 63 to adopt and enforce rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5 to implement this act, to hear appeals from orders or assessments issued by the commissioner pursuant to this act, and to issue orders for enforcement of the act.

SECTION 16. The commissioner or his designee shall have the right to enter upon any property at reasonable times upon which an inactive hazardous substance site is located and any other property which must be entered to have access to such property or to perform or cause to be performed all actions necessary to carry out the provisions of this act. Such entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property or of trespass.

SECTION 17. The fees levied by the provisions of this act shall be in addition to all other taxes or fees, whether levied

in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes levied.

SECTION 18. The conservation and environment committee of the house of representatives and the energy and natural resources committee of the senate shall review this act prior to the last session of the ninety-fifth general assembly and recommend to such body whether such act should be modified, continued or repealed.

SECTION 19. For the purpose of promulgation of rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 1983, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 945 by inserting the following language immediately following the word "wastes" in item (1) of Section 1:

; provided, however, that such procedures shall not be construed as a state override of local government jurisdiction

AND FURTHER AMEND by adding the following language at the end of Section 10 (e):

Twenty-five percent (25%) of the funds distributed to the local government shall be earmarked for conducting tests pursuant to Section 8 and for monitoring, assessing, and abating health risks and hazards associated with the commercial facility.

AND FURTHER AMEND by adding the following new sections immediately following Section 16 and by renumbering subsequent sections accordingly:

Section 17. The board by rules and regulations promulgated pursuant to Tennessee Code Annotated, Title 4, Chapter 5 shall develop a procedure for public hearings and comment to be conducted in conjunction with the granting of permits pursuant to Tennessee Code Annotated, Section 53-6308 for a commercial landfill facility for the disposal of hazardous wastes. Information concerning facilities to be permitted shall be available to the public upon request if not designated as proprietary pursuant to the provisions of Tennessee Code Annotated, Section 53-6309. The information and testimony presented by the public shall be considered by the commissioner and the board prior to granting a permit.

Section 18. No permit for a commercial landfill facility for disposal of hazardous wastes shall be issued pursuant to Tennessee Code Annotated, Section 53-6308 if:

(1) any person who is the legal or beneficial owner of ten percent (10%) or more of the stock of the company or corporation applying for such permit has been convicted of any felony or has been convicted of a misdemeanor for the unlawful storage, treatment or disposal of hazardous wastes; or

(2) any employee of the company or corporation applying for such permit has been convicted of any felony or has been convicted of a misdemeanor for the unlawful storage, treatment or disposal of hazardous wastes.

Section 19. No permit for a commercial landfill facility for the disposal of hazardous wastes shall be issued pursuant to Tennessee Code Annotated, Section 53-6308 unless the county legislative body in the county in which such facility is to be located, and the municipal legislative body if such facility is to be located within the boundaries of an incorporated municipality, approves the issuance of such permit. The board, by regulation, shall develop a procedure for notification of appropriate local government officials of permit applications and the method for notification of the department of approval or disapproval of permits pursuant to this section.

Section 20. The provisions of this act shall not be construed to supersede or override any local government authority or jurisdiction.

On motion, the amendment was adopted.

Mr. Kelley moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 945 by amending Section 19 as added to House Bill 945 by amendment number 2 by designating the present language as subsection (a) and by adding the following new subsection (b):

(b) Each county or municipality in which such facility is to be located shall develop and implement a procedure for approval or disapproval of the issuance of such permit, which shall include, at a minimum that:

(1) Within thirty (30) days of receipt by the county or municipality of a copy of the permit application from the department, public notice of a public information meeting shall be given and not less than forty-five (45) days nor more than sixty (60) days from such notice such meeting shall be held;

(2) After the department has completed its evaluation of the permit application and within thirty (30) days of receipt of a copy by the county or municipality of a draft permit or notice of intent to deny the permit by the department, public notice of a public hearing and public comment period shall be given and not less than thirty (30) days nor more than forty-five (45) days from such notice such hearing and comment period shall be held; and

(3) Within thirty (30) days of receipt by the county or municipality of the department's recommendation to the board on the final permit decision, the county or municipality legislative body shall consider the information and testimony presented by the public and shall approve or disapprove the issuance of the permit, and if such legislative body fails to issue such approval or disapproval within such thirty (30) day period, the permit shall be considered to be approved by the local government pursuant to this act.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 945 by adding the following language at the end of Section 3 (a) (1):

Such fees shall also be structured by the board to encourage recycling of hazardous wastes by imposing lower fees on generators who recycle hazardous wastes.

On motion, the amendment was adopted.

Mr. McNally moved the previous question, which motion prevailed.

Thereupon, House Bill No. 945, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson),

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 1008--To make certain provisions, environmentalists.

On motion, House Bill No. 1008 was made to conform with Senate Bill No. 968.

On motion, Senate Bill No. 968, on same subject, was substituted for House Bill No. 1008.

Ms. Robinson (Washington) moved that Senate Bill No. 968 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 918--To regulate certification, athletic trainers.

Mr. Gill moved that House Bill No. 918 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 918 by inserting the following language as a new section to appropriately numbered immediately preceding the

THURSDAY, APRIL 7, 1983—25th LEGISLATIVE DAY

effective date section, renumbering the effective date section accordingly:

SECTION ____. The provisions of this act shall in no way be construed to apply to secondary athletic programs.

On motion, the amendment was adopted.

Thereupon, House Bill No. 918, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atehley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 697--To transfer certain governance to State Board of Regents.

On motion, House Bill No. 697 was made to conform with Senate Bill No. 746.

On motion, Senate Bill No. 746, on same subject, was substituted for House Bill No. 697.

Mr. McNally moved that Senate Bill No. 746 be passed on third and final consideration.

Mr. Henry moved the previous question, which motion failed by the following vote:

Ayes	45
Noes	41
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Burnett, Chiles, Clark (Sumner), Copeland, Davis (Gibson), Davis (Pickett), Dills, Duer, Elsea, Ford, Frenslley, Gaia, Gill, Harrill, Henry, Hudson, Hurley, Huskey, Kelley, Kent, McAfee, McNally, Moore (Sullivan), Murray, Napier, Percy, Rhinehart, Robertson, Robinson (Washington), Severance, Shockley, Smith, Stafford, Ussery, Wallace, Webb, Whitson, Williams, Wolfe and Wood --45.

Representatives voting no were: Bell, Brewer, Byrd, Clark (Davidson), Covington, Crain, Davidson, DeBerry, Disspayne, Dixon, Drew, Ellis, Gafford, Hassell, Herndon, Hillis, Jones, Kernell, Kisber, Love, McKinney, Miller, Montgomery, Moore (Shelby), Murphy, Naifeh, Nance, Owen, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Sir, Stallings, Starnes, Tanner, Turner, Wheeler, Wix, Yelton and Mr. Speaker McWherter--41.

Representative present and not voting was: Bragg--1.

Mr. Kernell moved that Senate Bill No. 746 be re-referred to the Committee on Calendar and Rules.

Mr. Gill moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	71
Noes	17
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Murphy, Murray, Naifeh, Napier, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, and Mr. Speaker McWherter--71.

Representatives voting no were: Brewer, Byrd, Clark (Davidson), Disspayne, Dixon, Drew, Hassell, Kernell, King (Shelby), Miller, Moore (Shelby), Moore (Sullivan), Nance, Owen, Shirley, Turner and Yelton --17.

Representatives present and not voting were: Covington and DeBerry--2.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 746 by adding the following section between Sections 18 and 19 and renumbering the sections accordingly:

Section _____. All state and federal funds appropriated to the state department of education and/or the state board for vocational education for the use and benefit of the institutions and schools specified in this act including any administrative funds and all carryover and/or surplus funds of any kind or character shall be transferred to the board of regents for use in vocational technical education.

Mr. Rhinehart moved the previous question, on the amendment, which motion prevailed by the following vote:

Ayes	70
Noes	8
Present and not voting	7

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy, Naifeh, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Smith, Stafford, Tanner, Ussery, Wallace, Webb, Whitson, Williams, Wolfe, Wood and Work--70.

Representatives voting no were: Covington, DeBerry, Hassell, Moore (Shelby), Scruggs, Shirley, Turner and Yelton--8.

Representatives present and not voting were: Brewer, Drew, Kernell, King (Shelby), Moore (Sullivan), Starnes and Mr. Speaker McWherter--7.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes	75
Noes	16
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hurley, Huskey, Johnson, Kelley, Kent, King (Shelby), King

(Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Murphy, Murray, Naifeh, Napier, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, and Mr. Speaker McWherter--75.

Representatives voting no were: Byrd, Covington, DeBerry, Drew, Hassell, Hudson, Kernell, Moore (Shelby), Moore (Sullivan), Nance, Owen, Scruggs, Shirley, Smith, Turner, Yelton--16.

Representative present and not voting was: Miller--1.

Mr. Owen moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 746 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any computation or revision of funding formulas by the Tennessee Higher Education Commission, any provision of law or this act to the contrary, if there has been no decrease in enrollment at a state technical institute or area vocational-technical school effected by the provisions of this act, then such school or institute shall not receive less regular state operating funds in fiscal year 1983-1984 than such entity received in fiscal year 1982-1983.

On motion, the amendment was adopted.

Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes	70
Noes	19
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, King (Washington), McAfee, McKinney, McNally, Montgomery, Murray, Naifeh, Napier, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, and Mr. Speaker McWherter--70.

Representatives voting no were: Brewer, Byrd, Clark (Davidson), Covington, DeBerry, Disspayne, Drew, Hassell, Jones, Kernell, King

(Shelby), Miller, Moore (Shelby), Moore (Sullivan), Nance, Scruggs, Shirley, Turner and Yelton--19.

Representative present and not voting was: Owen--1.

Thereupon, Senate Bill No. 746, as amended, passed its third and final consideration by the following vote:

Ayes	75
Noes	20

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Murphy, Murray, Naifeh, Napier, Owen, Percy, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--75.

Representatives voting no were: Brewer, Byrd, Cobb, DeBerry, Disspayne, Drew, Hassell, Kent, Kernell, King (Shelby), Miller, Moore (Shelby), Moore (Sullivan), Nance, Robertson, Scruggs, Shirley, Smith, Turner and Yelton--20.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1129--To make certain provisions, mental patients.

Mr. Scruggs moved that House Bill No. 1129 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1129 by inserting in SECTION 10 in the first sentence of subsection (d) of 33-501 the word "minor" between the phrase "parent of a" and the word "resident"; and

by adding to SECTION 10 the following paragraphs:

T.C.A. 33-501(a) is amended by deleting the following:

", or

(4) By the spouse or adult relative of the person".

T.C.A. 33-501(b) is amended by deleting
"; provided, however, that if a parent, guardian, spouse, or other
adult relative made the application for admission, fourteen (14) days'
notice shall be given to such parent, guardian, spouse, or other adult
relative prior to such discharge."

and by substituting instead the following:

". If a parent or guardian made the application for admission, the
superintendent shall give notice to the parent or guardian fourteen
days prior to such discharge."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1129, as amended, passed its third and
final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell,
Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark
(Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis
(Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills,
Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill,
Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey,
Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King
(Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore
(Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier,
Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson
(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,
Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings,
Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson,
Williams, Wix, Wolfe, Wood, Work and Yelton--91.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Wood moved that House Bill No. 1123 be placed on the Calendar
for Monday, April 18, 1983, which motion prevailed.

House Bill No. 307--To enact "Tennessee Public Broadcasting
Acts".

Mr. Wood moved that House Bill No. 307 be passed on third and
final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 307 by deleting from the fourth sentence of Section 2 the words

" , and therefore, expresses its intention to maintain adequate state funding throughout and beyond the implementation of this act."

AND FURTHER AMEND by deleting the fifth sentence of Section 2 in its entirety.

On motion, the amendment was adopted.

Mr. Wood moved that House Bill No. 307 be placed on the Calendar for Monday, April 18, 1983, which motion prevailed.

House Bill No. 665--To authorize exchange of law enforcement officers between agencies.

On motion, House Bill No. 665 was made to conform with Senate Bill No. 228.

On motion, Senate Bill No. 228, on same subject, was substituted for House Bill No. 665.

Mr. Napier moved that Senate Bill No. 228 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	1
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dispayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Rhinehart, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--89.

Representative voting no was: Crain--1.

Representative present and not voting was: Buck--1.

A motion to reconsider was tabled.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

House Bill No. 818--To make certain provisions, Pest Control Board.

On motion, House Bill No. 818 was made to conform with Senate Bill No. 899.

On motion, Senate Bill No. 899, on same subject, was substituted for House Bill No. 818.

Mr. Napier moved that Senate Bill No. 899 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Representative present and not voting was: Buck--1.

A motion to reconsider was tabled.

House Bill No. 877--To provide for low cost housing, elderly.

On motion, House Bill No. 877 was made to conform with Senate Bill No. 581.

On motion, Senate Bill No. 581, on same subject, was substituted for House Bill No. 877.

Mr. Napier moved that Senate Bill No. 581 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis

(Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

Mr. Byrd moved that House Bill No. 763 be placed on the Calendar for Monday, April 18, 1983, which motion prevailed.

Mr. Davis (Gibson) moved that House Bill No. 75 be placed on the Calendar for Monday, April 18, 1983, which motion prevailed.

House Bill No. 347--To amend Section 2-2-115, Code.

Mr. Love moved that House Bill No. 347 be passed on third and final consideration.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 347 by adding a new Section 2 as follows and renumbering Section 2 as 3.

The respective election commission may require reasonable and necessary proof to require that the person so voting does exist and that that person is not registered in another county.

On motion, the amendment was adopted.

Thereupon, House Bill No. 347, as amended, passed its third and final consideration by the following vote:

Ayes	81
Noes	11
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Johnson, Jones,

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Kelley, Kernell, King (Shelby), Kisber, Love, McKinney, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Work and Yelton--81.

Representatives voting no were: Bewley, Chiles, Harrill, Huskey, Kent, King (Washington), McNally, Robertson, Robinson (Washington), Scruggs and Wolfe--11.

Representative present and not voting was: Moore (Sullivan)--1.

A motion to reconsider was tabled.

House Bill No. 383--To provide canine use, correctional facilities.

On motion, House Bill No. 383 was made to conform with Senate Bill No. 495.

On motion, Senate Bill No. 495, on same subject, was substituted for House Bill No. 383.

Mr. Stallings moved that Senate Bill No. 495 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Work and Yelton--92.

Representative voting no was: Drew--1.

A motion to reconsider was tabled.

House Bill No. 667--To make certain provisions, child support orders.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Mr. Cobb moved that House Bill No. 667 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 667 by deleting from subsection 1(b) the words "likely to become" after "child or children are" and before "public charges".

FURTHER AMEND by deleting from subsection 1(c) the sentence which reads:

"Provided, however, that unless the party who is under an order to pay child support is more than sixty (60) days in arrears, jurisdiction to enforce, alter or modify such order of support shall remain exclusively in the court which issued the child support order or decree".

and substitute instead the following:

"Provided, however, that jurisdiction to alter or modify such order of support shall remain exclusively in the court which issued the child support order or decree".

FURTHER AMEND by deleting from the last sentence in subsection 1(c) the word "may" and substitute instead the word "shall", so that the sentence reads:

"Upon motion of a party which raises a question of venue of jurisdiction, the court shall communicate with the court that entered the initial decree and exchange information with a view to assuring that the matter will be decided in the most appropriate forum."

by adding the following language to subsection 2(d):

The court shall not reduce or modify any arrearages accumulated prior to the filling of a motion for modification if such arrearages are owed to the State of Tennessee as result of the child or children receiving public assistance during the period covered by the arrearages. To the extent such funds are not owed to the State of Tennessee, the court may reduce or modify such arrearages only if the court finds that the person to whom the support is owed consented to the nonpayment of support, or the person to whom the support is owed has unreasonably and without good cause failed to act in a timely manner to enforce the order of support and as a result the person owing the support is unable to pay the full amount of the accumulated arrearage.

Mr. Cobb moved that House Bill No. 667 be placed on the Calendar for Wednesday, April 20, 1983, which motion prevailed.

CONSENT CALENDAR

OBJECTIONS

An objection was filed to the following bill on the Consent Calendar:

Mr. Davidson objected to House Bill No. 1258.

Under the rules, House Bill No. 1258 was placed at the foot of the Calendar for Monday, April 11, 1983.

House Bill No. 588--To amend Section 50-10-110, Code.

House Bill No. 1036--To name Supreme Court Building, Jackson.

House Bill No. 735--To provide for compensation, Murfreesboro City officials.

House Bill No. 1253--To authorize bonds, Bradford Special School District.

House Bill No. 1259--To regulate Board of Utilities, Maryville.

House Bill No. 1260--To regulate issuance of certain licenses, Chester County.

House Bill No. 1261--To provide for Public Works Committee, Tipton County.

House Bill No. 1262--To levy tax on lodgings, Henderson county.

House Bill No. 1263--To provide for collection of certain privilege taxes, Jefferson County.

House Bill No. 1264--To regulate purchasing, Robertson County.

House Joint Resolution No. 140--Relative to congratulating Knoxville Women's basketball team.

Senate Joint Resolution No. 73--Relative to congratulating Coach Martin Sisco.

Senate Joint Resolution No. 76--Relative to congratulating Coach Terry Percy.

Senate Joint Resolution No. 77--Relative to congratulating Coach Robert Manning.

Senate Joint Resolution No. 78--Relative to congratulating Coach Rick Walker.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Senate Joint Resolution No. 79--Relative to congratulating Coach Walt Holman and boys' basketball team.

Senate Joint Resolution No. 80--Relative to commending certain chapters, Jack and Jill of America.

Senate Joint Resolution No. 81--Relative to congratulating Coach Dorsey Sims, Jr.

Mr. Gill moved that all House Bills on the Consent be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 634--To regulate use of citations, Madison County.

SENATE AMENDMENT NO. 3

Amend House Bill No. 634 to eliminate section (j).

Mr. Kisber moved that the House non-concur in Senate Amendment No. 3, which motion prevailed.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 149 out of order, which motion prevailed.

House Joint Resolution No. 149--Relative to memory, Dr. Webster Pendergrass--By Scruggs, Anderson, Atchley, Bell, Bewley, Bivens,

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter.

Mr. Scruggs moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 149, which motion prevailed.

Mr. Scruggs moved that House Joint Resolution No. 149 be adopted, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

House Bill No. 206--To regulate certain products subject to abuse.

Mr. Kelley moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to House Bill No. 206, which motion prevailed.

Mr. Kelley moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the

THURSDAY, APRIL 7, 1963--25th LEGISLATIVE DAY

difference of the House and Senate on House Bill No. 206, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Kelley, Buck and Robertson as the Conference Committee on House Bill No. 206.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--96.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 144--Relative to honoring Mrs. Helen R. Gault--By Severance.

Under the rules, House Joint Resolution No. 144 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 145--Relative to the memory, Burnett O'Dell--By Huskey, Robertson and Atchley.

Under the rules, House Joint Resolution No. 145 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 148--Relative to proclaiming Police Memorial Day and Week--By McNally, Miller, Kent, Henry and Wix.

Under the rules, House Joint Resolution No. 148 was referred to the Committee on Calendar and Rules.

House Resolution No. 26--Relative to congratulating Obion Junior High School girls' basketball team--By Tanner.

THURSDAY, APRIL 7, 1963--25th LEGISLATIVE DAY

Under the rules, House Resolution No. 26 was referred to the Committee on Calendar and Rules.

House Resolution No. 27--Relative to congratulating Kenton Junior High School boys' basketball team--By Tanner.

Under the rules, House Resolution No. 27 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1272--To provide for Mayor and Board of Alderman, Oneida--By Davis (Pickett).

Passed first consideration.

House Bill No. 1273--To revise and amend charter, Oneida--By Davis (Pickett).

Passed first consideration.

House Bill No. 1274--To provide for Tombigbee Waterway development authority--By Davis (Hamilton) and McAfee.

Passed first consideration.

House Bill No. 1275--To amend charter, Jackson--By Kisber, Wallace and Crain.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1267--To provide for advisory referendum, Lexington.

Passed second consideration and held without reference.

House Bill No. 1268--To establish school districts, Tipton County.

Passed second consideration and held without reference.

House Bill No. 1269--To extend authority, massage registration board, Hamilton County.

Passed second consideration and held without reference.

House Bill No. 1270--To levy Mineral Severance Tax, Rutherford County.

Passed second consideration and held without reference.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

House Bill No. 1271--To levy tax on lodging, Rutherford County.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

71--To regulate emergency absentee ballots.

The Senate concurred in House Amendment No. 1 and nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

356--To amend Chapter 72, Private Acts, 1945;

1250--To provide fiscal procedure law, Henderson County;

1251--To amend Charter, Tullahoma; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1181--To amend Charter, Friendship; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

82--Relative to designating "Ramp Festival Day"; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

221--To regulate Civil Service Merit System, Shelby County;

398--To regulate certain election, certain county or municipality;

478--To regulate office, Shelby County divorce referee;

509--To authorize certain long-term contracts, certain cities;

725--To regulate consumption, alcoholic beverages;

847--To regulate investigation, public utility rate changes, Public Service Commission;

935--To preserve and promote black history;

1122--To amend Section 47-1-201, Code;

1123--To amend Tennessee Savings and Loan Act; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1135, 1177 (with amendment), and 1178 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 1135, 1177 and 1178 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 11, 1983: House Bills Nos. 799, 329, 1145, 801, 746, 878, 1138, 373, 673, 681, 58, 501 and 171.

GILL, Chairman

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 235, 474, 702, 953, 1266, 1267, 1268 and 1269.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 11, 1983: House Bills Nos. 235, 649, 474, 702, 1266, 1267, 1268, 1269; House Resolutions Nos. 26, 27; and House Joint Resolutions Nos. 144, 145 and 148, and House Bill No. 953.

GILL, Chairman.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 11, 1983:

House Bill No. 263--Kent

House Bill No. 268--Scruggs

House Bill No. 652--Rhinehart

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 266--Owen

House Bill No. 673--Hudson (co-prime)

House Bill No. 1036--Naifeh, Tanner

BILL RE-REFERRED

On motion of Mr. Murray, House Bill No. 348 was recalled from the Committee on Commerce.

On motion of Mr. Murray, House Bill No. 348 was referred to the Committee on Finance, Ways and Means.

THURSDAY, APRIL 7, 1933--25th LEGISLATIVE DAY

RESOLUTION WITHDRAWN

On motion of Mr. Murray, House Joint Resolution No. 132 was recalled from the Committee on Commerce.

On motion of Mr. Murray, House Joint Resolution No. 132 was withdrawn from the House.

Mr. Severance moved that Rule No. 43 be suspended for the purpose of introducing House Bill No. 1277 out of order, which motion prevailed.

House Bill No. 1277--To enact the "Industrial Bank and Regulatory Act"--By Severance, Wheeler, Miller, Naifeh, Mr. Speaker McWherter, Owen, Smith, Scruggs, Drew, Anderson, Clark (Sumner), Chiles, Hurley, Shockley, Robinson (Hamilton), Elsea and Huskey.

Passed first consideration.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 1277.

Ned R. McWherter

James R. McKinney

James M. Henry

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 156, 343, 344, 381, 993 and 1161; also, Senate Joint Resolutions Nos. 68, 70, 71 and 72; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 156, 343, 344, 381, 993 and 1161; and Senate Joint Resolutions Nos. 68, 70, 71 and 72.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 125; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 7, 1983--25th LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 125; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 93, 347, 588, 735, 800, 803, 918, 945, 956, 1036, 1129, 1253, 1259, 1260, 1261, 1262, 1263 and 1264; and House Joint Resolutions Nos. 140 and 149; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1239 and House Joint Resolution No. 125 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

On motion of Mr. Naifeh, the House adjourned until 6:00 p.m., Monday, April 11, 1983.